IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 24867 of 2004

Between:

K. Ram Mohan, S/o Balram,
Legal Metrology, Weights and Measures, Narayanpet, Mahaboobnagar District.

..... PETITIONER

AND

1 Controller of Legal Metrology,

Government of Andhra Pradesh,
Golconda "X" Roads, Hyderabad.
2 Regional Deputy Controller of

Legal Metrology, Tirumala Hills,

Asmangadh, Malakpet,
Hyderabad Region, Hyderabad.
3 Assistant Controller of Legal Metrology,

Nalgonda, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction in the nature of Mandamus or otherwise

declaring the proceedings No. 17228/E1-V2/2004 dated 25-11-2004 issued by the 1st respondent as arbitrary, illegal, unconstitutional, violating Article 14, 16 and 21 of the Constitution of India and set aside the same including judgment of the Hon'ble A.P. Administrative Tribunal, Hyderabad dt. 8-12-2004 in O.A.No. 6604/2004 in the interest of justice, as otherwise the petitioners will be put to irreparable loss and injury and pass such other order or orders.

Counsel for the Petitioner:MR.P.V.KRISHNAIAH

Counsel for the Respondents: GP FOR SERVICES I

The Court at the stage of admission made the following :

O R D E R:(Per Hon'ble GB,J)

This Writ Petition is filed assailing the Order passed by the first respondent vide proceedings No.17228/E1-V2/2004, dated 25-11-2004.

2. The matter relates to removal of additional arrangement made by the authorities.

3. The petitioner was working as U.D.C. However, in view of the fact that there were posts of Inspectors vacant, some of the employees were granted additional charge as Inspectors of Legal Metrology including the petitioner on a condition that they should achieve the targets and in case, if they failed to achieve the targets, they will be again sent back to their original posts. It is stated that the petitioner has achieved the target, but, however, the second respondent submitted a report to the first respondent on 30.10.2004 stating that the performance of the petitioner is not satisfactory as he has committed some irregularities during his tenure, on the basis of which, an order was passed by the first respondent on
25-11-2004 relieving the petitioner from the additional charge of post of Inspector. The said order came to be challenged before the Andhra Pradesh Administrative Tribunal in O.A.No.6604 of 2004 and the same was dismissed by an order dated 08-12-2004. Against which, the present Writ Petition has been filed.

4. Learned counsel for the petitioner submits that the petitioner was not given any opportunity to defend his case and he has reached the target as fixed by the authorities. Therefore, the Order of the Tribunal is not sustainable in law and the same is liable to be set aside.

5. We have heard the learned Government Pleader.

6. It is not in dispute that the petitioner was granted additional charge as Inspector of Legal Metrology on condition that he should reach the target. It is also not in dispute that the petitioner reached the target, but some irregularities alleged to have been committed by him, for which, the petitioner submits that the criminal case was not filed against him, but the authorities have collected the compound fees from the petitioner.

7. Under those circumstances, we find that there are only minor and negligible lapses and the matter requires reconsideration in the hands of the first

respondent.

8. Accordingly, the Writ Petition is allowed by setting aside the impugned order of the Tribunal and also order dated 25-11-2004 and the matter is remitted back to the first respondent for reconsideration and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this Order.

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G.BIKSHAPATHY, J

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P.S.NARAYANA, J

Dated: 30-12-2004

Note : C.C. in two days.

(B/o)

Prv

To

1 The Controller of Legal Metrology,

Government of Andhra Pradesh,
Golconda "X" Roads, Hyderabad.

2 The Regional Deputy Controller of

Legal Metrology, Tirumala Hills,

Asmangadh, Malakpet,
Hyderabad Region, Hyderabad.

3 The Assistant Controller of Legal Metrology,

Nalgonda, Nalgonda District.

4 Two CCs to Government Pleader for Services I, High Court

of Andhra Pradesh, Hyderabad (OUT).

5 The Registrar, A.P.Administrative Tribunal, Hyderabad.

6 Two CD copies.